

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2

HOUSE BILL NO. 1463

94TH GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, May 1, 2008, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

3748S.05C

AN ACT

To repeal sections 172.360, 173.030, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof seven new sections relating to prohibiting the admission of aliens unlawfully present in the United States at public institutions of higher education.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 172.360, 173.030, 174.130, 178.635, and 178.780, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 172.360, 173.030, 174.130, 175.025, 178.635, 178.780, and 178.785, to read as follows:

172.360. 1. All youths, resident of the state of Missouri, shall be admitted to all the privileges and advantages of the various classes of all the departments of the University of the State of Missouri; provided, that each applicant for admission therein shall possess such scholastic attainments and mental and moral qualifications as shall be prescribed in rules adopted and established by the board of curators; **provided that aliens unlawfully present in the United States shall not be eligible for enrollment in the university;** and provided further, that the board of curators may charge and collect reasonable tuition and other fees necessary for the maintenance and operation of all departments of the university, as they may deem necessary.

2. **Prior to approval of any appropriations by the general assembly for the University of Missouri, the registrar for each campus of the University of Missouri shall annually certify to the coordinating**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 **board for higher education that its campus has not knowingly enrolled**
15 **any aliens unlawfully present in the United States in the preceding**
16 **year. Within thirty days of receipt of the certification, the coordinating**
17 **board for higher education shall forward the certification to the**
18 **governor, the pro tem of the senate, the speaker of the house of**
19 **representatives, and the chair of the committee for appropriation of**
20 **state funds in the house of representatives and the senate.**

173.030. The coordinating board, in addition, shall have responsibility,
2 within the provisions of the constitution and the statutes of the state of Missouri,
3 for:

4 (1) Requesting the governing boards of all state-supported institutions of
5 higher education, and of major private institutions to submit to the coordinating
6 board any proposed policy changes which would create additional institutions of
7 higher education, additional residence centers, or major additions in degree and
8 certificate programs, and make pertinent recommendations relating thereto;

9 (2) Recommending to the governing board of any institution of higher
10 education in the state the development, consolidation, or elimination of programs,
11 degree offerings, physical facilities or policy changes where that action is deemed
12 by the coordinating board as in the best interests of the institutions themselves
13 and/or the general requirements of the state. Recommendations shall be
14 submitted to governing boards by twelve months preceding the term in which the
15 action may take effect;

16 (3) Recommending to the governing boards of state-supported institutions
17 of higher education, including public junior colleges receiving state support,
18 formulas to be employed in specifying plans for general operations, for
19 development and expansion, and for requests for appropriations from the general
20 assembly. Such recommendations will be submitted to the governing boards by
21 April first of each year preceding a regular session of the general assembly of the
22 state of Missouri;

23 (4) Promulgating rules to include selected off-campus instruction in public
24 college and university appropriation recommendations where prior need has been
25 established in areas designated by the coordinating board for higher
26 education. Funding for such off-campus instruction shall be included in the
27 appropriation recommendations, shall be determined by the general assembly and
28 shall continue, within the amounts appropriated therefor, unless the general
29 assembly disapproves the action by concurrent resolution;

30 (5) Coordinating reciprocal agreements between or among Missouri state
31 institutions of higher education at the request of one or more of the institutions
32 party to the agreement, and between or among Missouri state institutions of
33 higher education and publicly supported higher education institutions located
34 outside the state of Missouri at the request of any Missouri institution party to
35 the agreement;

36 (6) Administering the nurse training incentive fund;

37 (7) Conducting, in consultation with each public four-year institution's
38 governing board and the governing board of technical colleges and community
39 colleges, a review every five years of the mission statements of the institutions
40 comprising Missouri's system of public higher education. This review shall be
41 based upon the needs of the citizens of the state as well as the requirements of
42 business, industry, the professions and government. The purpose of this review
43 shall be to ensure that Missouri's system of higher education is responsive to the
44 state's needs and is focused, balanced, cost-effective, and characterized by
45 programs of high quality as demonstrated by student performance and program
46 outcomes. As a component of this review, each institution shall prepare, in a
47 manner prescribed by the coordinating board, a mission implementation plan for
48 the coordinating board's consideration and approval. If the coordinating board
49 determines that an institution has qualified for a mission change or additional
50 targeted resources pursuant to review conducted under this subdivision and
51 subdivision (8) of this subsection, the coordinating board shall submit a report to
52 the general assembly that outlines the proposed mission change or targeted state
53 resources. No change of mission for an institution under this subdivision
54 establishing a statewide mission shall become effective until the general assembly
55 approves the proposed mission change by concurrent resolution, except for the
56 institution defined pursuant to subdivision (1) of section 174.010, RSMo, and has
57 been approved by the coordinating board and the institutions for which the
58 coordinating board has recommended a statewide mission prior to August 28,
59 1995. The effective date of any mission change under this subdivision shall be
60 the first day of July immediately following the approval of the concurrent
61 resolution by the general assembly as required under this subdivision, and shall
62 be August 28, 1995, for any institution for which the coordinating board has
63 recommended a statewide mission which has not yet been implemented on such
64 date. Nothing in this subdivision shall preclude an institution from initiating a
65 request to the coordinating board for a revision of its mission; [and]

66 (8) Reviewing applications from institutions seeking a statewide
67 mission. Such institutions shall provide evidence to the coordinating board that
68 they have the capacity to discharge successfully such a mission. Such evidence
69 shall consist of the following:

70 (a) That the institution enrolls a representative cross-section of Missouri
71 students. Examples of evidence for meeting this requirement which the
72 institution may present include, but are not limited to, the following: enrolling
73 at least forty percent of its Missouri resident, first-time degree-seeking freshmen
74 from outside its historic statutory service region; enrolling its Missouri
75 undergraduate students from at least eighty percent of all Missouri counties; or
76 enrolling one or more groups of special population students such as minorities,
77 economically disadvantaged, or physically disadvantaged from outside its historic
78 statutory service region at rates exceeding state averages of such populations
79 enrolled in the higher educational institutions of this state;

80 (b) That the institution offers one or more programs of unusual strength
81 which respond to a specific statewide need. Examples of evidence of meeting this
82 requirement which the institution may present include, but are not limited to, the
83 following: receipt of national, discipline-specific accreditation when available;
84 receipt of independent certification for meeting national or state standards or
85 requirements when discipline-specific accreditation is not available; for
86 occupationally specific programs, placement rates significantly higher than
87 average; for programs for which state or national licensure is required or for
88 which state or national licensure or registration is available on a voluntary basis,
89 licensure or registration rates for graduates seeking such recognition significantly
90 higher than average; or quality of program faculty as measured by the percentage
91 holding terminal degrees, the percentage writing publications in professional
92 journals or other appropriate media, and the percentage securing competitively
93 awarded research grants which are higher than average;

94 (c) That the institution has a clearly articulated admission standard
95 consistent with the provisions of subdivision (4) of subsection 2 of section 173.005
96 or section 174.130, RSMo;

97 (d) That the institution is characterized by a focused academic
98 environment which identifies specific but limited areas of academic emphasis at
99 the undergraduate, and if appropriate, at the graduate and professional school
100 levels, including the identification of programs to be continued, reduced,
101 terminated or targeted for excellence. The institution shall, consistent with its

102 focused academic environment, also have the demonstrable capacity to provide
103 significant public service or research support that address statewide needs for
104 constituencies beyond its historic statutory service region; and

105 (e) That the institution has adopted and maintains a program of
106 continuous quality improvement, or the equivalent of such a program, and reports
107 annually appropriate and verifiable measures of institutional accountability
108 related to such program. Such measures shall include, but not be limited to,
109 indicators of student achievement and institutional mission attainment such as
110 percentage of students meeting institutional admission standards; success of
111 remediation programs, if offered; student retention rate; student graduation rate;
112 objective measures of student, alumni, and employer satisfaction; objective
113 measures of student learning in general education and the major, including
114 written and oral communication skills and critical thinking skills; percentage of
115 students attending graduate or professional schools; student placement, licensure
116 and professional registration rates when appropriate to a program's objectives;
117 objective measures of successful attainment of statewide goals as may be
118 expressed from time to time by the coordinating board or by the general assembly;
119 and objective measures of faculty teaching effectiveness. In the development and
120 evaluation of these institutional accountability reports, the coordinating board
121 and institutions are expected to use multiple measures of success, including
122 nationally developed and verified as well as locally developed and independently
123 verified assessment instruments; however, preference shall be given to nationally
124 developed instruments when they are available and if they are
125 appropriate. Institutions which serve or seek to serve a statewide mission shall
126 be judged to have met the prerequisites for such a mission when they
127 demonstrate to the coordinating board that they have met the criteria described
128 in this subdivision. As a component of this process, each institution shall
129 prepare, in a manner prescribed by the coordinating board, a mission
130 implementation plan for the coordinating board's consideration and approval; and

131 **(9) Receiving and forwarding certification relating to the**
132 **enrollment of unlawfully present aliens in universities, colleges, and**
133 **junior colleges under section 172.360, RSMo, section 174.130, RSMo,**
134 **section 175.025, RSMo, and sections 178.635, 178.780, and 178.785, RSMo.**

174.130. 1. Each board may make such rules and regulations for the
2 admission of students as may be deemed proper; **provided that aliens**
3 **unlawfully present in the United States shall not be eligible for**

4 enrollment in the university or college.

5 2. Prior to approval of any appropriations by the general
6 assembly for the university or college, the registrar for each university
7 or college shall annually certify to the coordinating board for higher
8 education that its university or college has not knowingly enrolled any
9 aliens unlawfully present in the United States in the preceding
10 year. Within thirty days of receipt of the certification, the coordinating
11 board for higher education shall forward the certification to the
12 governor, the pro tem of the senate, the speaker of the house of
13 representatives, and the chair of the committee for appropriation of
14 state funds in the house of representatives and the senate.

175.025. 1. The board of curators of Lincoln University may
2 make such rules and regulations for the admission of students as it may
3 be deemed proper; provided that aliens unlawfully present in the
4 United States shall not be eligible for enrollment in the university.

5 2. Prior to approval of any appropriations by the general
6 assembly for the university, the registrar shall annually certify to the
7 coordinating board for higher education that the university has not
8 knowingly enrolled any aliens unlawfully present in the United States
9 in the preceding year. Within thirty days of receipt of the certification,
10 the coordinating board for higher education shall forward the
11 certification to the governor, the pro tem of the senate, the speaker of
12 the house of representatives, and the chair of the committee for
13 appropriation of state funds in the house of representatives and the
14 senate.

178.635. 1. The board of regents of Linn State Technical College shall
2 organize in the manner provided by law for the board of curators of the
3 University of Missouri. The powers, duties, authority, responsibilities, privileges,
4 immunities, liabilities and compensation of the board of Linn State Technical
5 College in regard to Linn State Technical College shall be the same as those
6 prescribed by statute for the board of curators of the University of Missouri in
7 regard to the University of Missouri, except that Linn State Technical College
8 shall be operated only as a state technical college. Nothing in this section shall
9 be construed to authorize Linn State Technical College to become a community
10 college or a university offering four-year or graduate degrees.

11 2. All lawful bonded indebtedness incurred by the issuance of revenue
12 bonds, as defined in section 176.010, RSMo, by Linn Technical College, shall be

13 deemed to be an indebtedness of the board of regents of Linn State Technical
14 College after the date upon which the conditions of section 178.631 are met. Such
15 indebtedness shall be retired through tuition revenues.

16 **3. The board of regents may make such rules and regulations for**
17 **the admission of students as it may be deemed proper; provided that**
18 **aliens unlawfully present in the United States shall not be eligible for**
19 **enrollment in Linn State Technical College.**

20 **4. Prior to approval of any appropriations by the general**
21 **assembly for Linn State Technical College, the registrar shall annually**
22 **certify to the coordinating board for higher education that the college**
23 **has not knowingly enrolled any aliens unlawfully present in the United**
24 **States in the preceding year. Within thirty days of receipt of the**
25 **certification, the coordinating board for higher education shall forward**
26 **the certification to the governor, the pro tem of the senate, the speaker**
27 **of the house of representatives, and the chair of the committee for**
28 **appropriation of state funds in the house of representatives and the**
29 **senate.**

178.780. 1. Tax supported junior colleges formed prior to October 13,
2 1961, and those formed under the provisions of sections 178.770 to 178.890 shall
3 be under the supervision of the coordinating board for higher education.

4 2. The coordinating board for higher education shall:

5 (1) Establish the role of the two-year college in the state;

6 (2) Set up a survey form to be used for local surveys of need and potential
7 for two-year colleges; provide supervision in the conducting of surveys; require
8 that the results of the studies be used in reviewing applications for approval; and
9 establish and use the survey results to set up priorities;

10 (3) Require that the initiative to establish two-year colleges come from the
11 area to be served;

12 (4) Administer the state financial support program;

13 (5) Supervise the junior college districts formed under the provisions of
14 sections 178.770 to 178.890 and the junior colleges now in existence and formed
15 prior to October 13, 1961;

16 (6) Formulate and put into effect uniform policies as to budgeting, record
17 keeping, and student accounting;

18 (7) Establish uniform minimum entrance requirements and uniform
19 curricular offerings for all junior colleges **and ensure that aliens unlawfully**

20 **present in the United States are not eligible for enrollment in any**
21 **junior college;**

22 (8) Make a continuing study of junior college education in the state; and
23 (9) Be responsible for the accreditation of each junior college under its
24 supervision. Accreditation shall be conducted annually or as often as deemed
25 advisable and made in a manner consistent with rules and regulations
26 established and applied uniformly to all junior colleges in the state. Standards
27 for accreditation of junior colleges shall be formulated with due consideration
28 given to curriculum offerings and entrance requirements of the University of
29 Missouri.

178.785. **Prior to approval of any appropriations by the general**
2 **assembly for a junior college, the registrar for the college shall**
3 **annually certify to the coordinating board for higher education that its**
4 **junior college has not knowingly enrolled any aliens unlawfully present**
5 **in the United States in the preceding year. Within thirty days of**
6 **receipt of the certification, the coordinating board for higher education**
7 **shall forward the certification to the governor, the pro tem of the**
8 **senate, the speaker of the house of representatives, and the chair of the**
9 **committee for appropriation of state funds in the house of**
10 **representatives and the senate.**

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